

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KALIEF WILLIAMS,

Plaintiff,

-against-

Case No.: 1:21-cv-2922 (EK) (CLP)

THE RUSSO'S PAYROLL GROUP, INC. d/b/a
RUSSO'S ON THE BAY, FRANK RUSSO, JR.,
ROBERT "ROBBIE" RUSSO, and GIUSEPPE
"JOE" VACCA,

Defendants.

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**DECLARATION OF DEFENDANT ROBERT RUSSO
IN SUPPORT OF MOTION TO VACATE CERTIFICATE OF DEFAULT**

ROBERT RUSSO declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Defendant in the above-referenced case.
2. I was incarcerated in Lakeview Correctional Facility in Brocton, New York during the time this case was commenced in May 2021 and was served in August 2021.
3. I wanted to have attorneys defend me, and my father – Frank Russo – asked his attorneys to defend me, but the law firm representing my father insisted on me providing something in writing confirming from me that I wanted them to represent me.
4. I sent an email through "jpay" – the online system for inmates, which requires fees to be paid for its use – on August 23, 2021 confirming that I wanted Milman Labuda Law Group PLLC ("MLLG") to defend me.
5. For reasons and circumstances outside of my control, MLLG did not receive my written confirmation until late November 2021.
6. I have reviewed the complaint in this case.

7. I categorically deny discriminating against Kalief Williams on the basis of his race.

8. I never called him the “n” word, nor did I ever act in a discriminatory manner towards him.

9. To the extent that I engaged in any arguments with Kalief Williams, they were related to his work, and his race played no role in my dispute with him.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 12, 2022.


ROBERT RUSSO